



House of Representatives

General Assembly

File No. 390

January Session, 2011

Substitute House Bill No. 6357

House of Representatives, April 5, 2011

The Committee on Human Services reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ADMINISTRATIVE HEARINGS UNDER THE MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Social Services, in consultation with the
4 Commissioner of Public Health, shall take such action as necessary to
5 meet the qualification criteria established pursuant to Section 4201 of
6 the American Recovery and Reinvestment Act of 2009, P.L. 111-5 to
7 obtain (1) matching funds for the Department of Social Services'
8 administrative planning activities related to health information
9 technology; and (2) incentive payments for hospitals and eligible
10 professionals who are meaningful electronic health record users as
11 described in said act. The Commissioner of Social Services shall
12 disburse any federal incentive funds for hospitals and eligible
13 professionals that the commissioner receives pursuant to this section to
14 each hospital and eligible professional.

15 (b) The Commissioner of Social Services shall, in accordance with
16 Section 4201 of the American Recovery and Reinvestment Act of 2009,
17 P.L. 111-5, develop and implement a Medicaid health information
18 technology plan and shall establish a Medicaid electronic health record
19 incentive program to provide incentives for hospitals and other health
20 care providers which adopt and meaningfully use electronic health
21 records to improve patient health and the quality and efficiency of
22 health care service delivery.

23 (c) A hospital or other health care provider that receives an adverse
24 decision by the Commissioner of Social Services under the Medicaid
25 electronic health record incentive program concerning the hospital's or
26 provider's: (1) Eligibility for incentive payments; (2) incentive payment
27 amounts; (3) demonstration of adopting, implementing or upgrading
28 an electronic health record; or (4) fulfillment of meaningful use criteria
29 may request review of the commissioner's decision, in accordance with
30 42 CFR 495.370. Upon receipt of such request, the commissioner shall
31 conduct an initial review and notify the provider of the determination
32 based on such review. The provider may request an administrative
33 hearing, in accordance with chapter 54, to contest the department's
34 determination.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	17b-34
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HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no impact. The bill conforms to federal law regarding administrative hearings to contest an adverse decision under the Medicaid electronic health record incentive program. The Department of Social Services currently has a process and staff to administer such hearings.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6357*****AN ACT CONCERNING ADMINISTRATIVE HEARINGS UNDER THE
MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE
PROGRAM.*****SUMMARY:**

This bill requires the Department of Social Services (DSS) commissioner, in accordance with a provision in the federal American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5 §4201), to develop and implement a Medicaid health information technology plan. He must also establish a Medicaid health record incentive program to provide incentives for qualifying hospitals and health care providers that adopt and “meaningfully use” electronic health records to improve patient health and the quality and efficiency of health care service delivery.

Under the bill, providers who are aggrieved by certain incentive program decisions are entitled to an initial review by the DSS commissioner. If still not satisfied, they may request a contested case hearing governed by the Uniform Administrative Procedures Act.

EFFECTIVE DATE: Upon passage

ARRA

ARRA §4201 provides 100% federal matching funds to states for incentive payments to eligible Medicaid providers who adopt, implement, upgrade, and meaningfully use certified electronic health record technology. It provides a 90% federal match for related state administrative expenses. One eligibility requirement is that a state provide a contested case hearing to resolve disputes between providers and the state Medicaid agency (in this case, DSS).

ADMINISTRATIVE HEARINGS

The issues that may be decided in contested case hearings are the provider's:

1. eligibility for incentive payments;
2. incentive payment amounts;
3. demonstration of adopting, implementing, or upgrading an electronic health record; and
4. fulfillment of meaningful use criteria.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/22/2011)